



JAN 21 2005

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Atty. Dkt. No. 047542-0197

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hubbard et al.  
Title: TISSUE AUGMENTATION  
MATERIAL AND METHOD  
Appl. No.: 09/626,326  
Appl. Filing Date: 7/26/2000  
Examiner: T. Strzelecka  
Art Unit: 1637

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 423498063 US	01/18/2005
(Express Mail Label Number)	(Date of Deposit)
<i>Charles J. Schreck</i>	
(Printed Name)	
<i>Charles J. Schreck</i>	
(Signature)	

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

Enclosed are:

[ X ] Amendment/Reply.

01/24/2005 CNGUYEN 00000014 09626326

01 FC:1252	450.00 OP
02 FC:1801	790.00 OP

☒ Other References.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$790.00	= \$790.00
Total Claims:	49	- 73	= 0	x \$50.00	= \$0.00
Independents	13	- 13	= 0	x \$200.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$360.00	= \$0.00
CLAIMS FEE TOTAL:					= \$790.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$450.00
TOTAL FEE:		\$1,240.00

☒ A check in the amount of \$1,240.00 to cover the filing fee is enclosed.


☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

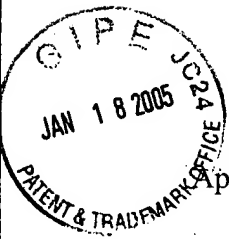
Respectfully submitted,

Date July 18, 2005

FOLEY & LARDNER LLP  
Customer Number: 27433  
Telephone: (312) 832-4358  
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By 

Marshall J. Brown  
Attorney for Applicant  
Registration No. 44,566



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Charles J. Schreck	
(Printed Name)	
Charles J. Schreck	
(Signature)	

**AMENDMENT AND REPLY WITH REQUEST FOR CONTINUED EXAMINATION**  
**UNDER 37 C.F.R. § 1.114**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Final Office Action dated August 17, 2004, concerning the above-referenced patent application.

Applicants have enclosed with this amendment a Petition for Extension of Time to make this response timely.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 10 of this document.

Please amend the application as follows: